

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

~~United States District Court~~  
Southern District of Texas  
FILED

# UNITED STATES DISTRICT COURT

MAR 27 2018

for the

Southern District of Texas

David J. Bradley, Clerk

McAllen Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Micah Gary Joel Rolph

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Hidalgo County

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Micah Gary Joel Rolph		
Address	6609 N 33rd		
	McAllen	TX	78504
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Hildago		
Telephone Number	956-537-4633		
E-Mail Address	arifjantg@yahoo.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

Name	Hidalgo County		
Job or Title <i>(if known)</i>			
Address	100 N. Closner		
	Edinburg	TX	78539
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Hidalgo		
Telephone Number	(956)318-2200		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

## Defendant No. 2

Name			
Job or Title <i>(if known)</i>			
Address			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			

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E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution,

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Before the date of April 13th 2017 in which Rio Grande City CISD organized a hate crime directed by Rio Grande City CISD police chief Trinidad Lopez toward Mr. Rolph, Luis Garza Justice of the Peace for Hidalgo County republishing arrest record CR-D15548-A which was expunction 1-18-2008 and destroyed on 1-18-2009. Hidalgo County should never had let Luis Garza Justice of the Peace to republish expunctioned records and due to the expunctioned records reappearing after a nearly six year absense from Mr. Rolph criminal record during which time Mr. Rolph successfully passed many state, educational and school back ground checks this was used by Rio Grande City CISD in a hate crime toward Mr. Rolph which resulted in Mr. Rolph back being broken among other physical, emotional and mental health damage to Mr. Rolph plus the distruction of Mr. Rolph's reputation as a teacher and community member

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Rio Grande City Cisd High School 5726 N FM 755, Rio Grande City, TX 78582

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

April 13<sup>th</sup> 2017 -- Between the hours 1630 and 1900 .

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- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

.On the orders of Superintendent of Rio Grande City CISD Dr Arcadio J Salinas III and Rio Grande City High School Principle Riccardo Saenz on the date of April 13th 2017 Rio Grande City CISD police department directed by assistant principle Mark Olivarez And Rio Grande City CISD police chief Trinidad Lopez came to Mr Rolph's assigned classroom at Rio Grande City High School trashed and destroyed Mr. Rolph classroom and handcuffed Mr. Rolph and severely and maliciously beat Mr Rolph. Mr. Rolph was publicly shamed and given inadequate medical and mental health treatment after being beaten, Mr. Rolph was thrown into Starr County Jail with the charge of trespassing in his own classroom when in fact and on that date Mr. Rolph was still a contracted teacher who had never gone through due process to be removed as a teacher. Mr. Rolph was jailed on charges during Easter weekend, and discharged from jail without a proper safety plan. After April 13th Rio Grande City CISD conspired with Texas Teacher to get Mr. Rolph's probationary teaching contract suspended without due process claiming he broke the ethics of the school district. The CISD suspended Mr. Rolph's current contract even though Mr. Rolph continued to be a paid employee until September 1st or the completion of his teaching contract. Rio Grande City CISD continued to slandered and defame Mr. Rolph with a restraining order proclaiming to one and all that Mr. Rolph due to him being a United States Army Veteran was a threat to the community. Mr Rolph was suspended as a teacher by the Rio Grande City CISD without due process. Rio Grande CISD administration proclaimed its actions where justified due to Justice of the Peace Luis Garza's republishing expunction Hildago county court case CR-D15548-A from 2003 which had been expunged 1-18-2008 by Hildago County court case 1-18-2008 C-2520-05.

#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

After putting Mr. Rolph into handcuffs with the charge of trespassing in his own classroom Assistant Principle Mark Olivarez kicked Mr. Rolph surgically repaired right knee to drop Mr. Rolph to the floor which tore the meniscus in Mr. Rolph's right knee. After Mr Rolph was on the floor the Rio Grande City police officers directed by Police Chief Trinidad Lopez punched Mr. Rolph in the face multiple times as well as kicked Mr. Rolph in the scrotum. When Mr. Rolph was dragged to his feet to be physically removed from his assigned classroom the assistant principle Mark Olivarez and Rio Grande City CISD police officers bounced a handcuffed Mr Rolph's face off his teaching desk which led to the damage to Mr. Rolph's front teeth. Mr. Rolph was dragged into the Rio Grande City High School hallway which can be reinforced by Rio Grande City CISD's hallway cameras at which time police chief Trinidad Lopez slammed a still hand cuffed Mr. Rolph to the ground which led to the fracturing of Mr. Rolph's back and led to bruising in and around chest area. Mr Rolph due to a preexisting and a family history of heart problems requested a ambulance and upon being loaded into the ambulance one of the Rio Grande City police officers directed by police chief Trinidad Lopez tightened Mr Rolph's handcuffs so tight that it blocked blood flow into the right wrist and caused irreversible nerve damage to Mr. Rolph's right hand, right wrist and right thumb. Before the incident Mr. Rolph was a one hundred percent disabled United States Army Veteran with Post Traumatic Stress Disorder among other mental health conditions due to the fact that Rio Grande City CISD police department did nothing before, during and after the hate crime to give Mr. Rolph proper mental health treatment Mr. Rolph has had a increase of Post Traumatic Stress disorder symptoms, Severe Depression, Anxiety, Anger and his Personality Disorder.

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

WHEREFORE, the plaintiff requests that this Court award compensatory damages and asks this Court to grant him such declaratory, injunctive and other as it just and proper on reflection of legal law. Plaintiff, Micah G.J Rolph seeks the sum of 1,000,000 million dollars from Hidalgo County or amount court finds fair the fact that her office error inspired Rio Grande City CISD to organize and performe a hate crime, violated multiple constitutional and civil rights and abuse a United States Army Disabled Veteran, The actions of Justice of Peace Luis Garza, Hidalgo County Clerk Laura Hinojosa and Hidalgo County broke Texas Law and destroyed Mr. Rolph's life by republishing arrest record CR-D15548-A which was expunction 1-18-2008 and destroyed on 1-18-2009

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

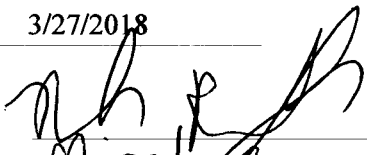
### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/27/2018

Signature of Plaintiff

Printed Name of Plaintiff

  
Micah Gary Joel Rolph

### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

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Name of Law Firm

Address

*City*

*State*

*Zip Code*

Telephone Number

E-mail Address